

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

TERRANCE L. GREEN, :
Plaintiff :
VS. : NO. 5:14-CV-0125-MTT-MSH
JUDGE GEORGE F. NUNN, JR. :
Defendant :

ORDER

Plaintiff **TERRANCE L. GREEN**, a state prisoner currently confined at Johnson State Prison in Wrightsville, Georgia, filed a civil rights complaint in this Court seeking relief under 42 U.S.C. § 1983. Plaintiff's Complaint was subsequently dismissed without prejudice, pursuant to 28 U.S.C. § 1915A, for failure to state a claim. See Order, April 21, 2014 (Doc. 4). Plaintiff has now filed a Motion for Relief from Judgment. See Fed. R. Civ. P. 60(b). In his Motion, Plaintiff contends that the Court erred in concluding that he had failed to state a claim against Judge Nunn. Plaintiff also contends that the Court's preliminary review of his Complaint was unconstitutional.

The Court has fully considered Plaintiff's arguments and is not persuaded that he is entitled to relief under Rule 60. Even when considering Plaintiff's new allegations, his Complaint fails to state a claim against Judge Nunn. *C.f., Kramer v. Donald*, 286 F. App'x 674, 676 (11th Cir. 2008) (holding that warden could not be held liable under § 1983 for his alleged failure to supervise a deputy warden).

To the extent that Plaintiff is simply seeking an order from this Court requiring the immediate production his plea transcripts, Plaintiff is advised that federal courts have no jurisdiction to issue writs compelling action by state officials in the performance of their duties. See *Moye v. Clerk, DeKalb County Superior Court*, 474 F.2d 1275, 1276 (5th Cir.1973). Such a request is better made by a petition for writ of mandamus filed in the state courts. See O.C.G.A. § 9–6–20. Plaintiff is also advised that the Court's preliminary review of his Complaint is mandated by federal law, 28 U.S.C. § 1915A(a) and does not encroach upon his First Amendment rights.

Because Plaintiff has failed to identify a sufficient basis for relief from judgment, see Fed. R. Civ. P 60(b)(6), his motion is **DENIED**.

SO ORDERED, this 23rd day of May, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

jlr